Judicial Impact Fiscal Note

Bill Number: S-3975.1	Title: Modifying theft of rental, leased, lease-purchased, or loaned property provisions.	Agency: 055-Admin Office of the Courts

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☒ If fiscal impact is less than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would amend RCW 9A.56.096 to include the crime of theft of rental, leased, lease-purchased, or loaned property when a person who has control of personal property under a written rental agreement intentionally holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thus depriving the owner of the property of its use in further rentals.

The bill would not allow a defense that the person returned the property after the expiration date of the rental agreement if the person fails to pay the rental charge for the time the person held the rental property.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

If enacted, this bill would:

RCW 9A.56.096 (Section 1(2)) would establish that a person who having had control of personal property under a rental agreement intentionally holds the property beyond the expiration of the rental period without the effective consent of the owner of the property is guilty of theft of rental, leased, lease-purchased, or loaned property. It would not be a defense that the person returned the property after the expiration of the rental agreement if the person fails to pay the applicable rental charge.

RCW 9A.56.096 (Section 6(d)) would make theft of rental, leased, lease-purchased, or loaned property a gross misdemeanor.

II.B - Cash Receipt Impact

Indeterminate. The Administrative Office of the Courts (AOC) does not have data to estimate the number of new theft of rental property crimes that would result from this bill. Fines for theft of rental property would be determined based on the value of the rental property that was not returned or paid for. The maximum fines for theft of rental property range between $5,000 and $20,000 – however, the maximum fines are not always ordered, not all fines are collected in full, and fines may take years to collect.

II.C – Expenditures

Indeterminate. The AOC does not have data to estimate the number of new theft of rental property crimes that would result from this bill.

For purposes of illustration, there would need to be more than 110 cases each year to exceed $50,000 in annual court expenditures, based on average court costs for these type of theft cases.